

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 1A-4 as follows:

6 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

7 Sec. 1A-4. Powers and duties of the Board.

8 A. (Blank).

9 B. The Board shall determine the qualifications of and  
10 appoint a chief education officer, to be known as the State  
11 Superintendent of Education, who may be proposed by the  
12 Governor and who shall serve at the pleasure of the Board and  
13 pursuant to a performance-based contract linked to statewide  
14 student performance and academic improvement within Illinois  
15 schools. Upon expiration or buyout of the contract of the State  
16 Superintendent of Education in office on the effective date of  
17 this amendatory Act of the 93rd General Assembly, a State  
18 Superintendent of Education shall be appointed by a State Board  
19 of Education that includes the 7 new Board members who were  
20 appointed to fill seats of members whose terms were terminated  
21 on the effective date of this amendatory Act of the 93rd  
22 General Assembly. Thereafter, a State Superintendent of  
23 Education must, at a minimum, be appointed at the beginning of

1 each term of a Governor after that Governor has made  
2 appointments to the Board. A performance-based contract issued  
3 for the employment of a State Superintendent of Education  
4 entered into on or after the effective date of this amendatory  
5 Act of the 93rd General Assembly must expire no later than  
6 February 1, 2007, and subsequent contracts must expire no later  
7 than February 1 each 4 years thereafter. No contract shall be  
8 extended or renewed beyond February 1, 2007 and February 1 each  
9 4 years thereafter, but a State Superintendent of Education  
10 shall serve until his or her successor is appointed. Each  
11 contract entered into on or before January 8, 2007 with a State  
12 Superintendent of Education must provide that the State Board  
13 of Education may terminate the contract for cause, and the  
14 State Board of Education shall not thereafter be liable for  
15 further payments under the contract. With regard to this  
16 amendatory Act of the 93rd General Assembly, it is the intent  
17 of the General Assembly that, beginning with the Governor who  
18 takes office on the second Monday of January, 2007, a State  
19 Superintendent of Education be appointed at the beginning of  
20 each term of a Governor after that Governor has made  
21 appointments to the Board. The State Superintendent of  
22 Education shall not serve as a member of the State Board of  
23 Education. The Board shall set the compensation of the State  
24 Superintendent of Education who shall serve as the Board's  
25 chief executive officer. The Board shall also establish the  
26 duties, powers and responsibilities of the State

1 Superintendent, which shall be included in the State  
2 Superintendent's performance-based contract along with the  
3 goals and indicators of student performance and academic  
4 improvement used to measure the performance and effectiveness  
5 of the State Superintendent. The State Board of Education may  
6 delegate to the State Superintendent of Education the authority  
7 to act on the Board's behalf, provided such delegation is made  
8 pursuant to adopted board policy or the powers delegated are  
9 ministerial in nature. The State Board may not delegate  
10 authority under this Section to the State Superintendent to (1)  
11 nonrecognize school districts, (2) withhold State payments as a  
12 penalty, or (3) make final decisions under the contested case  
13 provisions of the Illinois Administrative Procedure Act unless  
14 otherwise provided by law.

15 C. The powers and duties of the State Board of Education  
16 shall encompass all duties delegated to the Office of  
17 Superintendent of Public Instruction on January 12, 1975,  
18 except as the law providing for such powers and duties is  
19 thereafter amended, and such other powers and duties as the  
20 General Assembly shall designate. The Board shall be  
21 responsible for the educational policies and guidelines for  
22 public schools, pre-school through grade 12 and Vocational  
23 Education in the State of Illinois. The Board shall analyze the  
24 present and future aims, needs, and requirements of education  
25 in the State of Illinois and recommend to the General Assembly  
26 the powers which should be exercised by the Board. The Board

1 shall recommend the passage and the legislation necessary to  
2 determine the appropriate relationship between the Board and  
3 local boards of education and the various State agencies and  
4 shall recommend desirable modifications in the laws which  
5 affect schools.

6 D. Two members of the Board shall be appointed by the  
7 chairperson to serve on a standing joint Education Committee, 2  
8 others shall be appointed from the Board of Higher Education, 2  
9 others shall be appointed by the chairperson of the Illinois  
10 Community College Board, and 2 others shall be appointed by the  
11 chairperson of the Human Resource Investment Council. The  
12 Committee shall be responsible for making recommendations  
13 concerning the submission of any workforce development plan or  
14 workforce training program required by federal law or under any  
15 block grant authority. The Committee will be responsible for  
16 developing policy on matters of mutual concern to elementary,  
17 secondary and higher education such as Occupational and Career  
18 Education, Teacher Preparation and Certification, Educational  
19 Finance, Articulation between Elementary, Secondary and Higher  
20 Education and Research and Planning. The joint Education  
21 Committee shall meet at least quarterly and submit an annual  
22 report of its findings, conclusions, and recommendations to the  
23 State Board of Education, the Board of Higher Education, the  
24 Illinois Community College Board, the Human Resource  
25 Investment Council, the Governor, and the General Assembly. All  
26 meetings of this Committee shall be official meetings for

1 reimbursement under this Act. On the effective date of this  
2 amendatory Act of the 95th General Assembly, the Joint  
3 Education Committee is abolished.

4 D-5. In this subsection D-5, "total estimated fiscal  
5 impact" means the annual fiscal impact of a recommendation on  
6 all affected entities after the recommendation is fully  
7 implemented.

8 The Board shall create a P-20 Council, which must be a  
9 permanent body and working group. The P-20 Council shall  
10 consist of the following members:

11 (1) Four business and community leaders.

12 (2) Two persons from the elementary and secondary  
13 education community.

14 (3) One higher education member.

15 (4) One community college member.

16 (5) One member appointed by the President of the  
17 Senate.

18 (6) One member appointed by the Minority Leader of the  
19 Senate.

20 (7) One member appointed by the Speaker of the House of  
21 Representatives.

22 (8) One member appointed by the Minority Leader of the  
23 House of Representatives.

24 (9) The Governor or his or her designee.

25 A member of the P-20 council is not entitled to a salary  
26 per diem. A member of the P-20 Council is entitled to

1 reimbursement for traveling expenses and other expenses  
2 actually incurred in connection with the member's duties, as  
3 provided in State travel policies and procedures established by  
4 the State Board of Education and approved by the State Board of  
5 Education.

6 The P-20 Council shall have all of the following duties:

7 (a) To coordinate prekindergarten through grade 20  
8 education in this State.

9 (b) To begin the process of aligning educational  
10 programs.

11 (c) To articulate a framework for systemic educational  
12 improvement that will enable every student to meet or  
13 exceed Illinois learning standards and be well-prepared to  
14 succeed in the workforce and community.

15 (d) To coordinate and leverage strategies, actions,  
16 legislation, and resources of all stakeholders to support  
17 fundamental and lasting improvement in this State's public  
18 schools, community colleges, and universities.

19 (e) To meet to discuss issues that are vital to  
20 educational reform in this State.

21 (f) To provide recommendations on subjects related to  
22 education to all of the following:

23 (i) The Governor.

24 (ii) The State Superintendent of Education.

25 (iii) The General Assembly.

26 (iv) The State Board of Education.

1       The recommendations to the General Assembly must be in an  
2       electronic format. Before providing a recommendation, the  
3       P-20 Council shall prepare an analysis of the total  
4       estimated fiscal impact that the recommendation will have  
5       on this State, political subdivisions of this State, and  
6       all private schools affected by the recommendation. In  
7       preparing an analysis under this subdivision (f), the P-20  
8       Council shall consider any applicable information  
9       submitted by entities affected by the recommendation.

10       (g) To make recommendations to the State Board of  
11       Education for improving academic standards.

12       (h) To develop consensus on educational policy reforms  
13       and innovations.

14       (i) To align university teaching programs with the  
15       needs of Illinois schools.

16       E. Five members of the Board shall constitute a quorum. A  
17       majority vote of the members appointed, confirmed and serving  
18       on the Board is required to approve any action, except that the  
19       7 new Board members who were appointed to fill seats of members  
20       whose terms were terminated on the effective date of this  
21       amendatory act of the 93rd General Assembly may vote to approve  
22       actions when appointed and serving.

23       The Board shall prepare and submit to the General Assembly  
24       and the Governor on or before January 14, 1976 and annually  
25       thereafter a report or reports of its findings and  
26       recommendations. Such annual report shall contain a separate

1 section which provides a critique and analysis of the status of  
2 education in Illinois and which identifies its specific  
3 problems and recommends express solutions therefor. Such  
4 annual report also shall contain the following information for  
5 the preceding year ending on June 30: each act or omission of a  
6 school district of which the State Board of Education has  
7 knowledge as a consequence of scheduled, approved visits and  
8 which constituted a failure by the district to comply with  
9 applicable State or federal laws or regulations relating to  
10 public education, the name of such district, the date or dates  
11 on which the State Board of Education notified the school  
12 district of such act or omission, and what action, if any, the  
13 school district took with respect thereto after being notified  
14 thereof by the State Board of Education. The report shall also  
15 include the statewide high school dropout rate by grade level,  
16 sex and race and the annual student dropout rate of and the  
17 number of students who graduate from, transfer from or  
18 otherwise leave bilingual programs. The Auditor General shall  
19 annually perform a compliance audit of the State Board of  
20 Education's performance of the reporting duty imposed by this  
21 amendatory Act of 1986. A regular system of communication with  
22 other directly related State agencies shall be implemented.

23 The requirement for reporting to the General Assembly shall  
24 be satisfied by filing copies of the report with the Speaker,  
25 the Minority Leader and the Clerk of the House of  
26 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Legislative Council, as  
2 required by Section 3.1 of the General Assembly Organization  
3 Act, and filing such additional copies with the State  
4 Government Report Distribution Center for the General Assembly  
5 as is required under paragraph (t) of Section 7 of the State  
6 Library Act.

7 F. Upon appointment of the 7 new Board members who were  
8 appointed to fill seats of members whose terms were terminated  
9 on the effective date of this amendatory Act of the 93rd  
10 General Assembly, the Board shall review all of its current  
11 rules in an effort to streamline procedures, improve  
12 efficiency, and eliminate unnecessary forms and paperwork.

13 (Source: P.A. 93-1036, eff. 9-14-04.)

14 (110 ILCS 205/9.10 rep.)

15 Section 10. The Board of Higher Education Act is amended by  
16 repealing Section 9.10.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.